

**LOWELL CITY COUNCIL MINUTES  
REGULAR COUNCIL MEETING  
VIRTUAL MEETING  
NOVEMBER 17, 2020 - 6:30PM**

**INVOCATION:** Sgt. Aaron Pile

**PLEDGE OF ALLEGIANCE:** Mayor Chris Moore

**CALL TO ORDER OF REGULAR COUNCIL MEETING:** The Regular Meeting of the Lowell City Council was called to order at 6:36pm by **Mayor Chris Moore** at the Lowell Council Chambers.

**ROLL CALL:** Mayor Chris Moore asked the City Clerk for a verbal roll call. Council Members present were Linda Vannoy, Dean Bitner, David Adams, Chasity Taylor, Thomas Evers, Todd Fenix, Lisa DeGifford and Eric Schein. Deputy Attorney Kieklak was present, also. There was quorum. A roster of all others in attendance is on file with these minutes.

**CONSENT AGENDA:**

Lowell City Council Minutes Regular Meeting – October 20, 2020  
Financial Statement – October 2020

**Motion to approve the Consent Agenda.**

Motion: Dean Bitner

Second: Todd Fenix

Voice Vote Aye: Unanimous

Voice Vote Nay: None

**Motion to approve Consent Agenda approved.**

**PUBLIC HEARING:** Master Street Plan Revisions    Open: 6:25pm    Close: 6:35pm

**PUBLIC FORUM:** Open: 6:37PM    Close: 6:39PM

Jason Ross has lived in Lowell 13 years and appreciated the service of all who serve on City Council and others who served Lowell.

**PROCEDURAL MOTION TO DISPENSE WITH THE RULE AND READ ALL ORDINANCES ONE TIME BY TITLE ONLY.**

**Motion to approve Procedural Motion.**

Motion: Todd Fenix

Second: Linda Vannoy

Vote Aye: DeGifford, Adams, Fenix, Schein, Evers, Taylor, Bitner, Vannoy

Vote Nay: None

**Motion to approve Procedural Motion passed.**

**OLD BUSINESS:**

**1.    TABLED ITEM – RESOLUTION TO ADOPT AND APPROVE AMENDMENTS TO THE 2020 BUDGET FOR THE CITY OF LOWELL, ARKANSAS. (APERMA)**

City staff recommends tabling this resolution. Municipal League is working with city on this item.

**Motion to table Resolution.**

Motion: Todd Fenix

Second: David Adams

Vote Aye: Adams, Fenix, Vannoy, Taylor, Schein, Evers, DeGifford, Bitner

Vote Nay: None

**Motion to table Resolution passed.**

**NEW BUSINESS:**

**1. RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AMENDMENT TO THE INTER-MUNICIPAL SEWER AGREEMENT BETWEEN THE SPRINGDALE WATER AND SEWER COMMISSION AND THE CITY OF LOWELL PERTAINING TO SEWER SERVICE IN WESTERN PORTIONS OF THE CITY OF LOWELL, ARKANSAS.**

The City of Lowell and Springdale Water and Sewer Commission desire to amend the inter-municipal agreement between them to provide for additional sanitary sewer services in certain portions of western Lowell.

**Motion to approve Resolution as presented.**

**Motion:** Todd Fenix

**Second:** Eric Schein

**Vote Aye:** Evers, Adams, Vannoy, Taylor, Schein, Fenix, DeGifford, Bitner

**Vote Nay:** None

**Motion to approve Resolution passed.**

**Resolution assigned No. 20-23.**

**2. RESOLUTION OF INTENT REGARDING CAPITAL IMPROVEMENTS; AUTHORIZING THE OFFERING OF CAPITAL IMPROVEMENT REVENUE BONDS; AND PRESCRIBING OTHER MATTERS PERTAINING THERETO.**

The City needs sewer improvements, new lines and a new lift station. The City has outstanding Capital Improvement Refunding Revenue Bonds, Series 2010. The City Council has decided it is in the best interest of the City to refund the 2010 Bonds in order to finance all or a portion of the costs of the Project and the Refunding; the City proposes to issue its Capital Improvement Refunding and Construction Revenue Bonds in the maximum aggregate principal amount of \$5,250,000. The Bonds will be secured by franchise fees received by the City.

**Motion to approve Resolution.**

**Motion:** Todd Fenix

**Second:** David Adams

**Vote Aye:** Adams, Evers, DeGifford, Fenix, Taylor, Schein, Vannoy, Bitner

**Vote Nay:** None

**Motion to approve Resolution passed.**

**Resolution assigned No. 20-24.**

**3. RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT BY AND BETWEEN THE CITY OF LOWELL AND CRAFTON TULL RELATED TO THE LOWELL SEWER IMPROVEMENTS DESIGN FOR THE WESTERN PORTION OF THE CITY OF LOWELL, ARKANSAS.**

The City will enter into an agreement with Crafton Tull to perform such services regarding sewer improvements for the western portion of the City.

**Motion to approve Resolution.**

**Motion:** Todd Fenix

**Second:** Eric Schein

**Vote Aye:** Evers, Adams, Vannoy, Taylor, Fenix, DeGifford, Schein, Bitner

**Vote Nay:** None

**Motion to approve Resolution passed.**

**Resolution assigned No. 20-25.**

**4. RESOLUTION TO ADOPT AND APPROVE AMENDMENTS TO THE 2020 BUDGET REGARDING FUNDS FOR THE WESTERN LOWELL SEWER IMPROVEMENTS FOR THE CITY OF LOWELL, AKANSAS.**

The 2020 Budget was approved November 19, 2019; however, the City Council will amend the 2020 Budget to make expenditures and receipts with the 2020 Budget to transfer funds out of the Sewer Fund into the General Fund.

**Motion to approve Resolution.**

**Motion:** Todd Fenix

**Second:** David Adams

**Vote Aye:** Adams, Fenix, Vannoy, Taylor, Schein, Bitner, Evers, DeGifford

**Vote Nay:** None

**Motion to approve Resolution passed.**

**Resolution assigned No. 20-26**

**5. ORDINANCE PROVIDING FOR AN EXTENSION OF THE EXPIRATION DATE FOR THE ONE PERCENT (1%) SALES AND USE TAX PREVIOUSLY APPROVED WITHIN THE CITY OF LOWELL, ARKANSAS AND PRESCRIBING OTHER MATTERS PERTAINING THERETO.**

The City Council desires to extend the 108 month expiration date of the one percent (1%) sales and use tax already approved by an additional 108 months in order to fund improvements of municipal services that will take place beyond the initial 108 month effective period of the one percent (1%) sales and use tax already approved..

**Motion to approve Ordinance.**

**Motion:** Dean Bitner

**Second:** Linda Vannoy

**Vote Aye:** Fenix, DeGifford, Vannoy, Evers, Bitner, Taylor, Adams, Schein

**Vote Nay:** None

**Motion to approve Ordinance passed.**

**City Clerk read Ordinance by title only one time.**

**Ordinance assigned No. 1064.**

**6. ORDINANCE CALLING FOR A SPECIAL ELECTION IN THE CITY OF LOWELL, ARKANSAS ON THE QUESTION OF EXTENDING THE EXPIRATION DATE FOR THE ONE PERCENT (1%) SALES AND USE TAX PREVIOUSLY APPROVED AND PRESCRIBING OTHER MATTERS PERTAINING THERETO AND DECLARING AN EMERGENCY.**

The purpose of this Ordinance is to call a special election on the question of extending the expiration date of the one percent (1%) sales and use tax already approved by the electors of the City of Lowell, Arkansas.

**Motion to approve Ordinance.**

**Motion:** Eric Schein

**Second:** Linda Vannoy

**Vote Aye:** Adams, Bitner, Evers, Vannoy, DeGifford, Fenix, Taylor, Schein

**Vote Nay:** None

**Motion to approve Ordinance passed.**

**City Clerk read Ordinance by title only one time.**

**Ordinance assigned No. 1065.**

**Entertain motion for Emergency Clause.**

**Motion:** Eric Schein

**Second:** David Adams

**Vote Aye:** Adams, Vannoy, Taylor, Fenix, DeGifford, Schein, Fenix, Bitner

**Vote Nay:** None

**Motion to approve Emergency Clause passed.**

**7. ORDINANCE REZONING CERTAIN LANDS FROM LIGHT INDUSTRIAL (LI) NEIGHBORHOOD SERVICES (NS) TO HIGH DENSITY RESIDENTIAL (HDR).**

Planning Commission has held a Public Hearing and request to rezone described parcel and voted that the rezone requested should not be approved. The City Council has determined that the public interest and welfare is best served by approving the requested rezoning.

**Motion to approve Ordinance.**

**Motion:** Dean Bitner

**Second:** Lisa DeGifford

**Vote Aye:** Adams, Vannoy, Taylor, Bitner, Evers, Schein, DeGifford, Fenix

**Vote Nay:** None

**Motion to approve Ordinance approved.**

**City Clerk read Ordinance by title only one time.**

**Ordinance assigned No. 1066,**

**8. ORDINANCE AMENDING LOWELL MUNICIPAL CODE SECTION 16-25 REGARDING THE TERMS OF LOWELL PLANNING COMMISSIONERS AND FOR OTHER PURPOSES.**

The City Council desires that the Mayor and City Council have the power to remove Planning Commission Members prior to the expiration of their term when the occasion requires. The City Council desires that similar to the procedure for appointment of Planning Commissioners, the Mayor should initiate removal of any such member which shall be effective upon approval by majority vote of the City Council.

**Motion to approve Ordinance.**

**Motion:** Eric Schein

**Second:** Linda Vannoy

**Vote Aye:** Adams, Fenix, Vannoy, Taylor, Bitner, Evers, Schein, DeGifford

**Vote Nay:** None

**Motion to approve Ordinance passed.**

**Ordinance assigned No. 1067.**

**9. RESOLUTION TO ADOPT AND APPROVE AMENDMENTS TO THE 2020 BUDGET FOR THE USE OF TIF RESERVE FUNDS FOR THE CITY OF LOWELL, ARKANSAS.**

City Council has determined that there is an immediate need to amend the 2020 Budget in order to reconcile the actual expenditures and receipts with the 2020 budget predictions for the transfer of funds out of the TIF Reserves Fund for professional services.

**Motion to approve Resolution.**

**Motion:** Todd Fenix

**Second:** David Adams

**Vote Aye:** DeGifford, Schein, Bitner, Evers, Adams, Taylor, Vannoy, Fenix

**Vote Nay:** None

**Motion to approve Resolution passed.**

**Resolution assigned No. 20-27.**

**10. RESOLUTION TO ADOPT AND APPROVE AMENDMENTS TO THE 2020 BUDGET REGARDING ADMINISTRATION RECONCILIATION FOR THE CITY OF LOWELL, ARKANSAS.**

The 2020 amended Budget shall be adopted by the City Council transferring funds out of the General Fund Budget for various expenditures.

**Motion to approve Resolution.**

**Motion:** David Adams

**Second:** Lisa DeGifford

**Vote Aye:** Adams, Taylor, Bitner, Schein, DeGifford Vannoy, Evers, Fenix

**Vote Nay:** None

**Motion to approve Resolution passed.**

**Resolution assigned No. 20-28.**

**11. RESOLUTION TO ADOPT AND APPROVE AMENDMENTS TO THE 2020 BUDGET REGARDING RECONCILIATION OF VARIOUS SPECIAL REVENUE FUNDS FOR THE CITY OF LOWELL, ARKANSAS.**

The City Council believes that approval of amended budget for 2020 is in the best interest of the citizens of the City of Lowell, Arkansas.

**Motion to approve Resolution.**

**Motion:** David Adams

**Second:** Eric Schein

**Vote Aye:** DeGifford, Adams, Taylor, Bitner, Schein, Evers, Vannoy , Fenix

**Vote Nay:** None

**Motion to approve Resolution passed.**

**Resolution assigned No. 20-29.**

**12. RESOLUTION TO APPROVING THE 2021 BUDGET FOR THE CITY OF LOWELL, ARKANSAS.**

The City Council has reviewed and approved the 2021 Budget for the City of Lowell, Arkansas.

**Motion to approve Resolution.**

**Motion:** David Adams

**Second:** Eric Schein

**Vote Aye:** DeGifford, Adams, Taylor, Bitner, Schein, Evers, Vannoy, Fenix

**Vote Nay:** None

**Motion to approve Resolution passed.**

**Resolution assigned No. 20-30.**

**13. REAPPOINTMENT OF KERRI ROLLER TO THE A&P COMMISSION WHICH IS A TWO-YEAR TERM.**

Mike Mahoney made an appeal to the City Council to have Kerri Roller reappointed to the A&P Commission for a two-year term.

**Motion to reappoint Kerri Roller.**

**Motion:** Todd Fenix

**Second:** Dean Bitner

**Vote Aye:** Adams, Bitner, Fenix, Evers

**Vote Nay:** DeGifford, Taylor, Schein, Vannoy

**Motion to reappoint Kerri Roller failed.**

A five-minute recess was called by the mayor. Recess began 7:16pm and ended 7:22pm. All council members remained in their seats during the recess. It was determined that Kerri Roller would be invited to attend the January 2021 City Council Meeting and she could address the council at that time. Council members suggested that notice of an impending vacancy or reappointment be established so that other citizens could apply for the vacancy.

**ANNOUNCEMENTS:** None

**ADJOURNMENT:** Motion to adjourn by Eric Schein and second by Todd Fenix. There being no objections, the meeting adjourned at 7:25pm.

ATTEST:

  
City Clerk/Elizabeth Estes



APPROVED:

  
Mayor/Chris Moore